

Remarks

The Advisory Office Action dated July 11, 2006 has been carefully reviewed and the following remarks are made in response thereto. Upon entry of the instant amendment claims 69-94 are pending. Claims 69, 71-74, 77, 79-81, 86-91 and 93 are amended. Claim 68 was cancelled without prejudice or disclaimer to the subject matter claimed therein. The claim amendments were made in order to provide each claim with proper antecedent basis and further clarify existing claim language. Accordingly, Applicants respectfully submit that no new prohibited matter has been introduced by the amendments to the claims. Applicants submit that the foregoing amendments and following remarks place the application in condition for allowance or alternatively in better condition for appeal.

Summary of the Advisory Action

1. The Examiner entered the after-final amendment filed on June 1, 2006.
2. The rejections of claims 68 and 72-94 were maintained because the claims failed to satisfy the written description and enablement requirements under 35 U.S.C. 112 (first paragraph).
3. The Examiner indicated that claims 69-71 would be allowable upon cancellation of the rejected claims.

Rejections Under 35 U.S.C. 112 (first paragraph)

The rejection of claims 68 and 72-94 under 35 U.S.C. 112 (first paragraph) for failing to comply with the written description requirement was maintained because nucleic acids that hybridize to SEQ ID NO: 1 or 2 under the hybridization conditions as recited in claim 68 would not necessarily encode a functional polypeptide having the transporter function of SEQ ID NO: 8.

Without acquiescing to the merits of the Examiner's rejections, and solely to expedite prosecution of the instant application, Applicants have cancelled claim 68 by way of this amendment, thereby rendering the rejection moot.

The rejection of claims 68 and 72-94 under 35 U.S.C. 112 (first paragraph) for failing to comply with the enablement requirement was maintained because nucleic acids that hybridize to SEQ ID NO: 1 or 2 under the hybridization conditions as recited in claim 68 would not necessarily encode a functional polypeptide having the transporter function of SEQ ID NO: 8.

Without acquiescing to the merits of the Examiner's rejections, and solely to expedite prosecution of the instant application, Applicants have cancelled claim 68 by way of this amendment, thereby rendering the rejection moot.

With respect to pending claims 69-71, the Examiner has indicated that they would be allowable. Given that claims 72-94 are dependent from allowable claims 69-71, Applicants respectfully request allowance of pending claims 69-94.

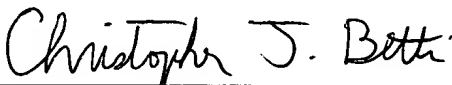
Conclusion

The foregoing amendments and remarks are being made to place the application in condition for allowance or alternatively in better form for appeal. Applicants respectfully request reconsideration and the timely allowance of the pending claims. A favorable action is awaited. Should the Examiner find that an interview would be helpful to further prosecution of this application, she is invited to telephone the undersigned at her convenience.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **August 15, 2006**
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Respectfully submitted,
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